

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHALMERS A. SIMPSON	:	CIVIL ACTION
	:	
v.	:	
	:	
OWNER OF DOLLAR TREE STORE,	:	
ET AL.	:	NO. 09-6162

ORDER

AND NOW, this 23rd day of August, 2010, upon consideration of Plaintiff's "Motion to Proceed with Action and Pay Filing Fees" (Docket No. 8), **IT IS HEREBY ORDERED** as follows:

1. Plaintiff's "Motion to Proceed with Action and Pay Filing Fees" (Docket No. 8) is **GRANTED**. Plaintiff may proceed with this action *in forma pauperis*.
2. The Clerk shall restore this case to the active docket.
3. The claims asserted in the Complaint against the Owner of the Dollar Tree Store and the Dollar Tree Store,¹ Sue Singleton, the Parkesburg Police Department, the Coatesville Police Department, Police Officer Amber Smith, Police Officer Alan Manning, "John Doe Officer White," and "John Doe Heavier Officer Black" are **DISMISSED WITH PREJUDICE** in their entirety pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e) and these Defendants are dismissed as Defendants in this action.
4. The claims asserted against Police Officer MacElroy and "John Doe Officer" are **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing an amended complaint

¹The Owner of the Dollar Tree Store and the Dollar Tree Store are listed as separate Defendants on the docket of this action. However, they are not listed separately in the caption of the Complaint and it does not appear, from the body of the Complaint, that Plaintiff intended to name the Dollar Tree Store and the owner thereof as separate Defendants.

that alleges facts sufficient to support all of the elements of claims under 42 U.S.C. § 1983 against these two Defendants for false arrest, false imprisonment, and malicious prosecution in violation of the Fourth and Fourteenth Amendments in connection with Plaintiff's May 21, 2009 arrest for retail theft.

5. Plaintiff may file **ONE** amended complaint, which must be mailed no later than September 20, 2010. The amended complaint may assert claims pursuant to § 1983 against Police Officer MacElroy and "John Doe Officer" for false arrest, false imprisonment and malicious prosecution in violation of the Fourth and Fourteenth Amendments in connection with Plaintiff's May 21, 2009 arrest for retail theft. The amended complaint may not add any additional claims or assert claims against any other defendant. The amended complaint must plead specific, separately numbered, fact paragraphs and should describe, as legibly, clearly and briefly as possible, the specific events or conditions which violated Plaintiff's constitutional rights.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.